REMARKS

Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks. After the amendments detailed above, claims 1-15 are pending in this application. In particular, claims 1, 5-7, and 9 have been amended, no claims have been canceled, and claims 2-4, 8, 10-12 have been maintained in their previous form. New claims 13-15 have been added.

I.   Objections

The Examiner has objected to redundant claim 8, which has already been claimed. Applicants have canceled the two identical claims identified as claim 8 and renumbered claim 8 as new claim 16. It is respectfully submitted that this objection has been overcome.

II.   Discussion of Rejected Claims

<u>Claims 1-5</u>

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,641,533 to Causey. This rejection is moot as claim 1 has been amended.

The apparatus of claim 1 has been amended to recite "a user interface to be displayed on the display, the user interface to be used for at least one of programming the apparatus, testing the apparatus, and managing the apparatus." The user interface of the apparatus is illustrated by reference numeral 207 in FIGURE 2. The client user interface allows a user to modify and upload information to a database, and also gives the user the ability to create and customize the user interface (paragraph 0066). When a user adds, deletes, or edits data from the client user interface, the database updates the corresponding changes. Any database changes generate an automatic update from a server to the PM (personality module) Manager (paragraph 0068). As a result, the server downloads or pushes the respective data modifications from the database to the appropriate personality modules, where the information for managing a plurality of field devices may then be maintained locally at the PM Manager (paragraph 0069). As will be shown by the following arguments, Causey fails to disclose such a user interface.

"Anticipation requires the disclosure in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481,

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485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). As set forth below, Causey fails to disclose at least one element recited in each of the remaining claims.

In Causey, the RF programmer 1012 communicates with a processor 1018 contained in a housing 1020 of an infusion device 1010 (col. 9, lines 2-5). In preferred embodiments, the infusion device 1010 is programmed through a keypad on the housing or by commands received from the RF programmer 1012 through a transmitter/receiver 1026 (col. 9, lines 13-18). In other embodiments, the remote RF programmer 1012 enables a user to perform basic external infusion device 1010 programming steps, such as one-way or two-way data transfer between the RF programmer 1012 and the external infusion device 1010 (col. 9, lines 60-62; col. 10, lines 37-51). Likewise, a PDA (personal digital assistant) with Palm computing software that utilizes RF for transmitting information is also performing substantially the same function as those of a RF programmer by transmitting, receiving, or manipulating data with a medical device (col. 19, lines 16-31; col. 19, lines 48-64). None of these structures discloses a user interface as described and claimed in the present Application. The RF programmer of Causey is not a user interface that programs, tests, or manages an apparatus as recited in the claims of the present Application. Instead, and importantly, the RF programmer programs and transmits data directly with an external device similar to a field device of the present Application. *See* discussion *supra.* Furthermore, a PDA with Palm computing software is not, as claimed in the present Application, a user interface either. Like the RF programmer, the PDA with Palm computing software is also in direct communication with a medical device, whereby the information is transmitted directly to such an external or field device. *See* discussion *supra.* Accordingly, the RF programmer or Palm computing software of Causey does not anticipate a user interface to be used for at least one of programming, testing, and managing an apparatus as recited in the claims of the preset Application. That is, the RF programmer or PDA may incorporate a display interface for programming or transmitting data to an external device or field device, but the user interface does not allow the user to program, test or manage the RF programmer or PDA. The apparatus as recited in the claims does not cover a field device which is separately recited element in the claims. As

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such, amended claim 1 patentably defines over the Causey reference.

Applicants have also amended claim 5 for grammatical reasons and for patentability reasons like those of claim 1. Since claims 2-5 depend from and add further limitations to claim 1, the rejection of these claims is also overcome. Therefore, claims 1-5 are patentably distinct as written, and the rejection of these claims under Section 102 should accordingly be withdrawn.

Claims 6-8

Claim 6 was also rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. No. 6,641,533 to Causey. Applicants have amended claim 6 to recite "the memory storing a user interface to be displayed on the display, the user interface to be used for at least one of programming the apparatus, testing the apparatus, and managing the apparatus." Applicants have also amended claim 6 for grammatical reasons. The amendments are consistent with the previous argument that Causey does not expressly or inherently disclose a user interface as in claim 6. *See* discussion *supra*. Since Causey fails to expressly or inherently disclose each element in amended claim 6, Applicants assert that Causey does not anticipate this claim. Applicants have also amended claim 7 for grammatical reasons and for patentability reasons like those of claim 6. Since claims 7 and 8 depend from and add further limitations to claim 6, the rejection of claims 7 and 8 is also overcome. Therefore, claims 6-8 are patentably distinct as written, and the rejection of these claims under Section 102 should accordingly be withdrawn.

Claims 9-12

Claim 9 was also rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. No. 6,641,533 to Causey. Applicants have amended claim 9 to further include "displaying a user interface on the display, the user interface to be used for at least one of programming, testing, or managing the personality module." The amendments are consistent with the previous argument that Causey does not expressly or inherently disclose a user interface as in claim 9. *See* discussion *supra*. Since Causey fails to expressly or inherently disclose each element in amended claim 9, Applicants assert that Causey does not anticipate this claim. And since claims 10-12 depend from and add further limitations to claim 9, the rejection of claims 10-12 is also overcome. Therefore,

claims 9-12 are patentably distinct as written, and the rejection of these claims under Section 102 should accordingly be withdrawn.

Claims 13-15

Applicants have added new claims 13-15, which depend from and add further limitations to claims 1, 6, and 9, respectively. Since claims 1, 6, and 9 are patentably distinct and allowable over Causey, these new claims are also allowable.

III.   Conclusion

Amended claims 1, 6, and 9 patentably define over the cited reference and are now in condition for allowance. Since claims 2-5, 7-8, and 10-15 depend from and further limit independent claims 1, 6, and 9, these claims are also in condition for allowance.

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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By: _____
    Rob L. Phillips
    Registration No. 40,305

    Date: October 31, 2005

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.

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Greenberg Traurig

October 31, 2005

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San Mateo, California 94404

> **Re: Patent Application Entitled**
> **FACILITIES MANAGEMENT SYSTEM WITH LOCAL DISPLAY AND**
> **USER INTERFACE**
> **Application No. 10/651,842; Filed August 29, 2003**
> **Our Ref. 89008.000006**

Dear Greg:

We filed today a response to the Office Action dated July 1, 2005 in connection with the above-identified application. Enclosed for your records are copies of the following papers:

1. Amendment
2. Amendment Cover

We will keep you advised on further developments.

Sincerely,

Rob L. Phillips

Enclosures

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